

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/429,993
 Published in the *Official Gazette* on April 26, 2005
 Heron Wines

Opposer,

v.

Winery Exchange, Inc.

Applicant.

Opposition No. 91166211



02-27-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #11

MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS

Pursuant to 37 C.F.R. §§ 2.120(a) and 2.121(a)(1), and TBMP §§ 502.02, 509 and 701, Opposer Heron Wines ("Opposer") hereby submits this Motion to Extend Discovery and Testimony Periods in this proceeding by an additional ninety days, with such additional time to run from the date of the Board's decision on this motion.

Good cause exists for the extensions, as the parties have been and continue to be in discussions to resolve this matter without the need for further proceedings before the Board. Indeed, the parties have exchanged a draft Settlement Agreement, but require additional time in which to complete negotiations and to finalize the agreement.

Counsel for Applicant Winery Exchange, Inc. ("Applicant") declined to consent to the requested extension of time by e-mails to Opposer's counsel dated January 17, 2006 and February 8, 2006.

DATED: February 22, 2006

Respectfully submitted,

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this **MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS** has been deposited with the United States Postal Service as Express Mail, Certificate No. EV 724103247 US postage pre-paid, in an Express Mail envelope addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, P. O. Box 1451, Alexandria, Virginia 22313-1451 on this 23rd day of February, 2006.

Laurie Palmer

Laurie Palmer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS** has been properly served, via first class mail, postage prepaid, on the following attorneys for Applicant this 23 day of February, 2006.

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